

THE HONORABLE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES W. FOWLER CO., an Oregon
corporation,

Plaintiff,

v.

ACE AMERICAN INSURANCE
COMPANY, a Pennsylvania corporation,

Defendant.

No. CV04-5400

STIPULATION AND ORDER
EXTENDING PRETRIAL
DEADLINES.

**NOTE ON MOTION CALENDAR:
June 30, 2005**

STIPULATION

The parties hereto, by and through their attorneys herein, hereby stipulate to entry of the Order below extending a number of pretrial deadlines set forth in this Court's Minute Order Scheduling Jury Trial and Pretrial Dates dated November 22, 2004.

The parties stipulate to the short extensions so that they may each make more meaningful expert disclosures after first having an adequate opportunity to review various and voluminous documents subpoenaed from third parties. Moreover, additional time is needed to complete discovery depositions and allow the parties to attend a meaningful mediation in advance of trial. The parties need additional time to complete discovery, attend mediation, and otherwise prepare for trial due to (1) the volume of documents subpoenaed and produced to date by the parties and various fact witnesses, (2) the number of expert and

1 non-expert depositions that need to be arranged and taken in multiple local and out-of-state
 2 locations (including Oregon, Georgia, and Texas), and (3) the complexities of the case,
 3 including the involvement of governmental entities as witnesses (Pierce County). While
 4 both attorneys serving as co-counsel for Defendant ACE American Insurance Company also
 5 have schedule conflicts that interfere with the currently scheduled trial date of October 31,
 6 2005, Plaintiff would not stipulate to a continuance of the trial date at this time.
 7 Consequently, ACE American may have to address that issue by motion to this Court. For
 8 the time being, however, this Stipulation and Order Extending Pretrial Deadlines leaves
 9 untouched (1) the original due date for filing of trial briefs, motions in limine and the Pre-
 10 Trial Order (September 29, 2005), and (2) the original trial date (October 31, 2005).
 11

12 DATED this ____ day of June, 2005.

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16 **ORDER**

17 THIS matter having come before the Court on the parties' Stipulation and Order
18 Extending Pretrial Deadlines, IT IS HEREBY

19 ORDERED as follows:

20 1. Disclosure of expert witnesses and their opinions, originally set by the Court's
21 Minute Order Scheduling Jury Trial and Pretrial Dates dated November 22, 2004 ("Minute
22 Order") for April 25, 2005, and later moved by Stipulation and Order to June 24, 2005, is
23 hereby reset to **July 11, 2005**. The parties reserve the right for their experts to submit
24 supplemental reports—if discovery occurring after the date the experts submit their original
25 reports results in changed expert opinions—but by no means later than August 12, 2005.

26 2. Disclosure of rebuttal experts and their opinions, originally set for May 24,
2005, and later moved by Stipulation and Order to July 22, 2005, is hereby reset to
August 12, 2005.

3. Objection to the oppositions' experts, originally set for June 23, 2005, is hereby reset to **August 19, 2005**.

4. Discovery cut-off and filing date for amended pleadings, originally set for July 5, 2005, is hereby reset to **August 12, 2005**. The extended discovery cut-off will apply to depositions and all discovery other than written discovery. The parties agree that they will not serve new or additional written discovery requests to one another.

5. Deadline for filing of all remaining motions, including DISPOSITIVE MOTIONS, originally set for July 22, 2005, is hereby reset to **August 19, 2005**.

6. Deadline for filing of Trial Briefs, Motions in Limine, and lodging the Proposed Pre-Trial Order remains unchanged at **September 29, 2005**.

7. Trial date remains unchanged at **October 31, 2005**.

8. Last, the deadline by which to complete the mediation process required under Local Rule 39.1, originally set for July 13, 2005, is hereby reset to **August 15, 2005**.

DATED this 23rd day of June 2005.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

Presented by:

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11 Approved as to form; Notice
12 of Presentation Waived

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